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*Attorneys for Ralph C. Dawson, as Receiver for
Defendant Ascot Partners, L.P., and Ascot Fund Ltd.*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
	:	
BERNARD L. MADOFF INVESTMENT	:	Adv. Proc. No. 08-01789 (SMB)
SECURITIES LLC,	:	SIPA LIQUIDATION
	:	(Substantively Consolidated)
Debtor.	:	
-----	:	
PERTAINS TO THE FOLLOWING CASE:	:	
	:	
IRVING H. PICARD, Trustee for the Liquidation	:	
of Bernard L. Madoff Investment Securities LLC,	:	Adv. Proc. No. 09-1182 (SMB)
	:	
Plaintiff,	:	
-v-	:	
	:	
J. EZRA MERKIN, GABRIEL CAPITAL, L.P.,	:	
ARIEL FUND LTD., ASCOT PARTNERS, L.P.,	:	
ASCOT FUND LTD., GABRIEL CAPITAL	:	
CORPORATION,	:	
	:	
Defendants.	:	
-----	X	

**NOTICE OF MOTION *IN LIMINE* TO PRECLUDE THE TRUSTEE FROM
SEEKING DOUBLE RECOVERY THROUGH EQUITABLE SUBORDINATION**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendants' Motion *in Limine* to Preclude the Trustee From Seeking Double Recovery Through Equitable Subordination, the Declaration of Judith A. Archer, dated August 23, 2017, and the exhibits thereto, and all pleadings, papers and proceedings filed in this action, Defendants Ascot Partners, L.P., through its Receiver, Ralph C. Dawson, Ascot Fund Ltd., J. Ezra Merkin and Gabriel Capital Corporation, shall move this Court for an Order precluding the Trustee from seeking double recovery through equitable subordination.

PLEASE TAKE FURTHER NOTICE that a hearing on the Motion will be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at a date and time as scheduled by the Court, at the United States Bankruptcy Court, Southern District of New York, One Bowling Green, New York, New York 10004-1408.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, to the Motion shall be filed with the Bankruptcy Court no later than September 15, 2017, and reply papers, if any, shall be filed with the Bankruptcy Court no later than September 29, 2017.

Dated: August 23, 2017
New York, New York

NORTON ROSE FULBRIGHT US LLP

By: /s/ Judith A. Archer

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